



Ninety-Eighth Legislature - Second Session - 2004
Committee Statement
LB 863

Hearing Date: January 20, 2004

Committee On: Transportation and Telecommunications

Introducer(s): (Baker)

Title: Change provisions relating to commercial drivers' licenses

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

| | | |
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| 7 | Yes | Senators Hudkins, Aguilar, Brown, Jones, Smith, Stuthman and Baker |
|---|-----|--|

No

Present, not voting

| | | |
|---|--------|----------------------|
| 1 | Absent | Senator Dw. Pedersen |
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Proponents:

Jill Becker, Legal Counsel
Beverly Neth

Representing:

Senator Tom Baker, Introducer
Department of Motor Vehicles

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Section 10 Amends §60-4,117 by updating the terms ‘photograph’ or ‘digital image’ to ‘image’.

Section 11 Amends §60-4,119 by updating the terms ‘photograph’ or ‘digital image’ to ‘image’. Subsection (2) is changed to allow a person who is out of state when their license is to be renewed to renew their license by applying to the department as prescribed. Expired language is removed.

Section 12 Amends §60-4,120 by replacing ‘photograph’ with the term ‘image’, expired language is removed. Additional internal references are made.

Section 13 Amends §60-4,120.01 by removing expired language.

Section 14 Amends §60-4,122 by removing renewal language for identification cards. Internal references and the term ‘image’ is added. New language requires that for renewal of a state identification card, the holder must appear before an examiner and present their current identification card, and if required by the examiner, an additional form of identification. If the holder is over 21 and has already been issued an identification card with an image and signature preserved by the Department, the holder may renew their identification card by electronic means. Every holder must apply for renewal in person at least once every ten years and have a new image and signature taken.

Section 15 Amends §60-4,126 by prohibiting farm permits from being renewed.

Section 16 Amends §60-4,130 by adding an internal reference and using the term ‘image’.

Section 17 Amends §60-4,130.02 by adding an internal reference and using the term ‘image’.

Section 18 Amends §60-4,131 by adding an internal reference (to hazardous materials endorsement requirements).

Section 19 Amends §60-4,132 by adding the United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 to other references of federal laws governing commercial driver licenses.

Section 20 Amends §60-4,141 by prohibiting the holder of a LPC- learner’s permit from transporting hazardous materials. Changes in subsection (3) update references to the U.S. Code sections rather than their Public Law reference.

Section 21 Amends §60-4,143 to prohibit the issuance of a CDL or a LPC-learner’s permit to any person under the age of eighteen.

Section 22 Amends §60-4,144 by adding a reference to the additional requirements for a hazardous materials endorsement. In subsection (h), the check of prior state licenses is limited to the ten years prior to the date of the application.

Section 23 Amends §60-4,150 by removing expired language.

Section 24 Amends §60-4,151 by replacing ‘color photograph’ and ‘digital image’ with the term ‘image’.

Section 25 Amends §60-4,153 by adding a reference to the new requirements for application for a hazardous materials endorsement.

Section 26 New language specifies that the sections apply to any application for a new or renewal of a commercial driver's license with a hazardous materials endorsement. No person may transport hazardous materials unless that person has the endorsement. LPC-learner's permit holders shall not transport hazardous materials.

Section 27 New language provides a definitional section for the terms 'alien', 'alien registration number', 'final notification of threat assessment', 'hazardous material', 'initial notification of threat assessment', 'lawful permanent resident', 'notification of no security threat', and 'Transportation Security Administration'.

Section 28 New language allows DMV to designate locations for receiving applications for the hazardous materials endorsement. The examining stations shall be operational by December 1, 2004.

Section 29 New language states that beginning on the implementation date, an applicant for a new or renewal CDL with a hazardous materials endorsement shall complete an application required for the hazardous material endorsement. The applicant must submit proof of citizenship, immigration status, or alien registration number. Before issuance of a hazardous materials endorsement, the department must receive notification of no security threat or a grant of waiver for the applicant from the Transportation Security Administration. Subsection (2) lists the requirements of the application.

Section 30 New language requires the applicant for a hazardous material endorsement to submit to fingerprinting by the department. The fingerprints shall be forwarded to the FBI through the Nebraska State Patrol. The fee shall be remitted to the Nebraska State Patrol Cash Fund. The applicant's fingerprints, applicant, and criminal history record shall be transmitted to the FBI, the Transportation Security Administration or its agent. The DMV is authorized to share identifying information gathered during the application process, including the applicant's fingerprints, image, signature, and social security number with the Nebraska State Patrol, the FBI, Transportation Security Administration, and their agents.

Section 31 New language allows the DMV to refuse to process an application or issue the examiner's certificate if the applicant fails to submit required fingerprints or information, fails to pay fees, if DMV receives notice that the applicant was identified as a security threat by the Transportation Security Administration or if DMV has not received an advisement from the Transportation Security Administration. If an application is refused for a reason other than nonpayment of fees, the DMV shall state the cause of the reason in writing and deliver that to the applicant.

Section 32 A CDL with a hazardous materials endorsement expires 5 years after the date of issuance. The DMV must send out the renewal notice at least 180 days before expiration of the license. The applicant must be initiated at least 90 days before the expiration date of the license.

Section 33 DMV may issue a CDL with a hazardous materials endorsement to a person who does not meet the requirements if that person presents written documentation of a waiver from the Transportation Security Administration. The CDL shall be good for the period specified in the waiver.

Section 34 New language in subsection (1) requires the DMV to notify the Commercial Driver License Information System within 15 days upon receiving notice regarding a security threat assessment from the Transportation Security Administration.

Under subsection (2), the individual may appeal the initial notification of the threat assessment to the Transportation Security Administration.

Under subsection (3), if the DMV receives a final notification of threat assessment, the applicant has 15 days to surrender the endorsement, or the DMV will cancel the license and request that a law enforcement officer retrieve the license. A final notification of threat assessment is not appealable. Any person may apply for a grant of waiver to the Transportation Security Administration.

Subsection (4) provides for immediate cancellation of a license if the Transportation Security Administration determines that the endorsement needs to be revoked immediately.

Section 35 New language requires the holder of a hazardous material endorsement to surrender the license to DMV within 24 hours if: they fail to have proper citizenship or immigration status; have been convicted of a disqualifying offense; are adjudicated as a mental defective; or receive notice that the holder poses a security threat from the Transportation Security Administration. The DMV may cancel the CDL and have a law enforcement officer pick up the license if the applicant does not surrender the license within 24 hours.

Section 36 Amends §60-4,168 by adding new language regarding the Motor Carrier Safety Improvement Act regulations issued on January 29, 2003. The language implements the disqualification periods for serious traffic violations.

Section 37 Amends §60-4,180 by replacing ‘color photograph’ and ‘digital’ with ‘image’ and removes expired language.

Section 38 Amends §60-1515 by allowing the DMV to use digital or other technology to issue driver licenses and identification cards.

Section 39 Amends §60-2904 by replacing ‘photograph’ with ‘image’.

Section 40 Provides an operative date of three calendar months after adjournment unless otherwise provided.

Section 41 Outright repeal of §60-4,168.

Section 42 Repealer clause.

Section 43 Outright repeal of §60-484.01

Section 44 Emergency clause.

Explanation of amendments, if any:

The committee amendment, AM2756, does the following:

Section 1 Same as original bill.

Section 2 Same as original bill with one change. The director is allowed to set the implementation date.

Section 3 Changes the definition of commercial motor vehicle and allows the director to set an implementation date.

Section 4 Adds a reference to the Department of Motor Vehicles and allows the director to set the implementation date for the use of the social security number to furnish information to the TSA. On page 7, line 19, the term “electronic” is stricken.

Section 5 The director is allowed to set an implementation date to allow the release of an applicant’s image or signature to the TSA. Technical corrections are made.

Section 6 Same as original bill with internal reference corrections.

Section 7 Same as original bill with one change. On page 13, line 9, strike “Beginning” through the period in line 10.

Section 8 Same as original bill.

Section 9 On page 19, strike line 24 and page 20, strike line 2 and insert “duplicate or replacement” and the applicable fees. On page 20, after line 3, insert “Add, change, or remove class, endorsement, or restriction” and the applicable fees. The remainder of the section is the same as the original bill.

Sections 10 and 11 Same as original bill.

Section 12 Same as original bill with one change. On page 27, line 7 strike “electronic”.

Section 13 Same as original bill.

Section 14 On page 31, line 22 and page 32, line 11 strike “electronic”. Clarifies that two forms of identification are required for a state id card.

Sections 15 through 25 are the same as the original bill.

Section 26 Replaces original section 26 on page 48. A hazardous materials endorsement on a commercial driver’s license may not be issued, renewed or reissued unless the endorsement is issued, renewed or reissued in conformance with the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 and all amendments and federal rules and regulations adopted and promulgated thereto.

Section 27 Replaces original section 27 on page 49. Beginning on the implementation date, an applicant for a new or renewal hazardous materials endorsement shall complete a hazardous materials endorsement application prescribed by the Department of Motor Vehicles as required by 49 C.F.R. 1570 and 1572.

Section 28 Replaces original section 28 on page 50. This section incorporates portions of original section 29, page 50. Before a hazardous materials endorsement is issued, renewed, or reissued, the department must receive notification from the Transportation Security Administration that the applicant does not pose a security threat warranting denial of such endorsement. The department shall cancel any existing endorsement authorizing a driver to operate a vehicle transporting hazardous materials if the department receives notification that a holder of such endorsement does not meet the standards for security threat assessment. The department may refuse to process an application for the reasons listed in subdivisions (a) through (f).

Section 29 Replaces original section 29 on page 50 with section 32 of the original bill.

Sections 30 through 33 are the same as sections 36-39 in the original bill.

Section 34 Same as section 40 of the original bill with references changed.

Sections 35 through 38 are the same as sections 41 through 44 of the original bill.

Senator Tom Baker, Chairperson